

## HOUSE SUMMARY OF SENATE AMENDMENTS

### Digest of Bill as Finally Passed by the Senate

Bruneau

HB No. 1597

Makes technical changes to the election code.

Present law requires that on all petitions submitted to a registrar of voters the signer must include his ward, district, and precinct.

Proposed law retains present law and also requires the signer to include his date of birth. (§3)

Present law allows the registrar to employ temporary personnel for the purpose of registering voters.

Proposed law also allows temporary personnel to be used to conduct absentee voting. (§59)

Present law provides that a change in residence address within the parish that is received after the close of registration for the primary is effective after the general election.

Proposed law retains present law, but makes an exception when the person's registration has been cancelled from the rolls or if the registrant's address was updated pursuant to other provisions of the election code. (§110)

Present law (§154) prohibits the registrar and the Dept. of Elections and Registration from circulating the social security numbers of registered voters on commercial lists.

Proposed law retains present law and further prohibits the registrar and the Dept. of Elections and Registration from disclosing the social security number of a registered voter.

Present law requires the clerk of court to send to the registrar by the tenth day of each month, the names, aliases, dates of birth, sex, and addresses of those persons for whom a felony conviction has become definitive.

Proposed law requires the clerk of court to send to the registrar by the tenth day of each month, the names, aliases, dates of birth, sex, and addresses of those persons convicted of a felony for which there is an order of imprisonment. (§171)

Proposed law provides that if a felony conviction is subsequently overturned that the clerk of court give written notice to the commissioner of elections who shall send such notice to the appropriate registrar of voters. (§171(D))

Present law requires the United States attorney to give written notice to the commissioner of elections of any federal felony conviction.

Proposed law requires the United States attorney to give written notice to the commissioner of elections of any federal felony conviction for which there is an order of imprisonment. (§171.1)

Present law provides that upon receipt of the reports of convicted felons, interdicted persons, and deaths in the state, the registrar cancel the registration of each person listed therein by deleting the name from the statewide computer registration system and, if necessary by drawing in red ink a line through the name of such person on the precinct register and the duplicate precinct register. Requires the line on the precinct registers to be initialed by the registrar or employee of the registrar. Provides that the registrar note on the registration record and on the original application for registration that the registrar has been notified of an order of imprisonment for conviction of a felony, a judgment of interdiction for mental incompetence, or received a report of death, and note also the date of the cancellation and the date of the report. Requires the registrar to remove the original application from his file of eligible voters and place it in his cancellation file. Requires notification, including the reason therefor, of each person whose registration is cancelled, except by reason of death.

Proposed law provides the procedures for the suspension of the registration of convicted felons under an order of imprisonment and persons interdicted for mental incompetence. (§176)

Proposed law provides that when a registrar receives notice from the clerk of court, U.S. attorney, or has reason to believe that a person has been convicted of a felony for which there is an order of imprisonment, the registrar shall send a notice to such person which is to be mailed first class, postage prepaid, to the address on file at the registrar's office. Requires the notice to state that the registrar has received a report that the registrant has been convicted of a felony and is under an order of imprisonment and informs the person that he must appear in person at the office of the registrar of voters within twenty-one days after the date on which the notice was mailed to show cause why his registration should not be suspended. (§176(A))

Proposed law provides that if the registrant appears and shows cause within the twenty-one days, the registrar shall not suspend the registration. (§176(A))

Proposed law provides that if the registrant fails to appear within the required twenty-one days, the registrar suspends the registration by deleting the name from the statewide computer registration system and, if necessary by drawing in red ink a line through the name of such person on the precinct register and the duplicate precinct register. Requires the line on the precinct register to be initialed by the registrar or employee of the registrar. Provides that the registrar note on the registration record and on the original application for registration that the registrar has been notified of conviction of a felony for which there is an order of imprisonment, and also note the date of the suspension and the date of the report, when applicable. Requires the registrar to remove the original application from his file of eligible voters and place it in his suspension file. Requires each person whose registration is suspended to be immediately notified of the suspension and the reason therefor. (§176(A))

Proposed law requires the registrar to maintain a list of names and addresses to whom notices are sent under these provisions and whether or not each registrant responded to the notice for a period of two years and provides that this information is open to inspection and copying. (§176(A))

Proposed law provides that when a registrar receives a report that a person is

under a definitive judgment of interdiction for mental incompetence he is to suspend the registration of the interdict for the period of interdiction. Provides for suspension of the registration by deleting the name from the statewide computer registration system and, if necessary by drawing in red ink a line through the name of such person on the precinct register and the duplicate precinct register. Requires the line on the precinct register to be initialed by the registrar or employee of the registrar. Requires the registrar to note on the registration record and on the original application for registration that the registrar has been notified of a judgment of interdiction and also note the date of the suspension and the date of the report. Requires the registrar to remove the original application from his file of eligible voters and place it in his suspension file. Also requires the registrar to immediately notify each person whose registration is suspended under these provisions and the reason therefor. (§176(B))

Proposed law provides that if the registrar determines that a voter's registration has been suspended or cancelled through error of the registrar, the registrar shall reinstate the voter's registration as though the suspension or cancellation had never occurred and shall notify the registrant of the reinstatement. (§176(E))

Proposed law provides that the registration of a person whose registration has been suspended by the registrar of voters for conviction of a felony shall be reinstated upon receipt by the registrar of documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment. (§177(A))

Proposed law provides that the registration of a person who has been interdicted and judicially declared mentally incompetent and whose registration has been suspended by the registrar shall be reinstated upon receipt by the registrar of a certified copy of a definitive judgment revoking such interdiction. (§177(B))

Present law provides that when the registrar has reason to believe that the name of a person has been illegally or fraudulently placed upon the registration records, that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters.

Proposed law retains present law but provides that a person is not placed on the inactive list of voters if there is address information available to the registrar from the post office that indicates the voter has moved to another address within the parish. (§§193, 198)

Present law provides if a registrant has moved from one precinct to another within the same parish that the registrant can vote at the polling place of such registrant's last address on file at the office of the registrar of voters for the primary election and general election, if held, upon completing an address confirmation card affirming the new address within the parish.

Proposed law provides that such registrant may vote in the precinct from which he moved only for the election at which he completes the address confirmation card. (§196)

Proposed law provides for an election emergency plan. Provides that if an

emergency or common disaster occurs before or during a regularly scheduled or special election, the governor may, upon issuance of an executive order, suspend or delay the qualifying of candidates, absentee voting in person, or elections. Provides that the governor take such action only upon the certification of the secretary of state in conjunction with the commissioner of elections that a state of emergency exists. A clerk of court, as chief election official of the parish, may bring to the attention of the secretary of state and commissioner of elections any difficulties occurring in his parish due to natural disasters. (§401.1)

Proposed law provides that if any delays or suspensions are authorized by the governor, the delayed qualifying, absentee voting in person or election day voting shall resume or be rescheduled as soon as is practicable. Requires notice of the delay or suspension and rescheduling to be published at least once in a newspaper of general circulation in the affected area if time permits and, where practicable, broadcast as a public service announcement on radio and television stations, or by any other means of communication available at that time. (§401.1)

Proposed law requires the clerk of court to identify the number of polling places that are functional and the number of polling places that have been destroyed. If a polling place is destroyed, efforts should be made to work with federal, state, and local emergency management agencies to permit the orderly establishment of a new polling place. An alternate emergency location is to be designated by the clerk of court in conjunction with the parish governing authority and advertised by any means available. Allows coordination with local police and the National Guard in an effort to provide security for existing polling places. (§401.1)

Proposed law provides that if an election is rescheduled involving a multi-parish or statewide office, every effort should be made to withhold returns for the affected races until the parishes where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the secretary of state. Provides that computation of all time intervals in the electoral process affected by any delay or suspension be redesignated by the secretary of state in conjunction with the commissioner of elections and notice thereof is to be given to parish boards of election supervisors as soon as possible. (§401.1)

Present law provides for the calling of a special election to fill a vacancy in a newly created office or a vacancy in office. (§402(E))

Proposed law retains present law and additionally allows the appropriate authority to call a special election to fill a vacancy or a newly created office to be held on the same date as any regularly scheduled election to be held in any local governmental subdivision located within or encompassing the geographical area within which the election will be held, provided that the regularly scheduled election will be held within one year of the date on which the newly created office or vacancy in an existing office arises. (§402(E)(4))

Present law provides that the third Saturday in January of any year, the third Saturday in July of any year, are election dates which shall be exclusively for elections on bonds, taxes, and other propositions or questions and for no other kind of election.

Proposed law retains present law but allows a special election to fill a vacancy

in the office of state legislator to be held on these dates. (§402(F))

Present law requires the clerk of court to conduct a general course of instruction for commissioners at least twice a year. These courses of instruction are open to the public and are to be publicized in a manner to encourage maximum attendance and participation.

Proposed law retains present law and allows the registrar to assist the clerk of court in conducting the course for informational purposes. (§431)

Present law requires the clerk of court to conduct the course of instruction for commissioners-in-charge during the month of November, to give notice of such course during the second week in October, and give notice to the applicants the last week in October.

Proposed law allows the clerk of court to conduct the course of instruction for commissioners-in-charge during the period August 1 through November 30 and give notice of the course two weeks before it is scheduled to be conducted, and give notice to the applicants one week before the course is to be conducted. (§433(A))

Present law provides that a commissioner-in-charge shall serve a term of office of one year, beginning on the January 1 of the year following selection.

Proposed law retains present law but further provides that the commissioner-in-charge must remain on the list of certified commissioners during his term of office. (§433(D))

Present law provides for the manner of selection of commissioners. Provides that the drawing of commissioners for each precinct shall continue until a person affiliated with each recognized political party is selected as a commissioner.

Proposed law retains present law but provides that such drawing shall continue unless there are no remaining certified commissioners in the parish to represent such recognized political parties. (§434)

Present law provides that the qualifying period for candidates in a congressional primary election and those in any special primary election to be held at the same time, opens on the fourth Wednesday in July of the year of the election.

Proposed law provides that the qualifying period for candidates in a congressional primary election and those in any special primary election to be held at the same time, opens on the third Wednesday in August of the year of the election. (§467)

Present law provides that qualifying in a primary election is reopened when a person who qualified as a candidate dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election.

Proposed law provides that qualifying will reopen if the candidate who dies had opposition. (§469)

Present law provides that a candidate without opposition at the close of

qualifying is declared elected. Present law provides that if such person dies prior to taking office the vacancy is filled under those provisions governing anticipated vacancies in office.

Proposed law provides that on and after July 1, 1997, any precinct boundary not coinciding with a visible feature shall be changed by the parish governing authority to coincide with a visible feature. As in present law, excepts parish boundaries and boundaries of an incorporated place when the entire geographic area of such place is contained in a single precinct.

Proposed law repeals special provisions for the 1990 census and provides that the proposed precinct boundaries submitted to and approved by the census bureau as block boundaries for each federal decennial census are the precinct boundaries that will be used for reapportionment purposes. Provides that any precinct consolidation submitted for review through June 30, 1998, are not subject to requirements that precincts or parts of precincts be in the same voting district for various offices. Provides that such consolidations will become effective not later than January 1, 2000, for reapportionment purposes and not later than December 31, 2001 for all purposes. Specifically excludes consolidations of precincts containing fewer than 300 original registered voters from this special exception and these special effective dates. Provides for a precinct freeze from January 1, 1999 through December 31, 2003. Provides for precinct consolidation after Jan. 1, 2002, and provides that they shall not place a precinct in more than one voting district as reapportioned after the 2000 Census. (§§532, 532.1)

Present law provides that when a special election to fill a newly-created office or a vacancy in an existing office is held at the same time as a regularly scheduled election, and when the candidates in the regularly scheduled election and in the special election are the same, the names of the candidates shall appear only once on the ballot and the ballot shall state that the election is being held to fill both the vacancy and the full term for the office. Requires each elector to cast the same vote for both the regular and the special election for the office, and the candidates who qualify for the general election also qualify for the general election for both the regular and the special election for the office, and the candidate is elected to fill both the vacancy and the full term for the office.

Proposed law provides that when a special election to fill a newly-created office or a vacancy in an existing office is held at the same time as a regularly scheduled election, if both the geographic area of an office and the candidates in the regularly scheduled election and in the special election for such office are the same for both elections, the title of the office and the names of the candidates shall appear only once on the ballot and the ballot shall state that the election is being held to fill both the vacancy and the full term for the office. Proposed law retains provisions of present law requiring each elector to cast the same vote for both the regular and the special election for the office. Retains present law which provides that the candidates who qualify for the general election shall qualify for the general election for both the regular and the special election for the office, and the candidate is elected to fill both the vacancy and the full term for the office. (§551(B))

Present law provides for the uniformity of ballots. Require that the names of the candidates be printed on the ballot in type of uniform size and style. Provides that the spaces between the names of the candidates for each office be uniform, and the names of the candidates for one office be separated from

the names of candidates for another office by sufficient space to avoid confusion.

Proposed law retains present law and further requires that all propositions and constitutional amendments be printed on the ballot in type of uniform size and style. (§551(E))

Present law provides the procedure for inspection and preparation of voting machines at the polling places.

Proposed law restates present law in the order in which the duties are to be performed. (§553)

Present law provides for the opening of the voting machines in the presence of the candidates.

Proposed law retains present law and provides that a candidate can request a reinspection of the voting machines. Proposed law provides that the clerk of court, in the presence of a majority of the parish board of election supervisors, shall reopen any voting machine for reinspection by a candidate or his representative within 48 hours after receipt of a written request for reinspection by the candidate. Requires the clerk, 24 hours prior to reopening the machines, to post a notice in his office of the time and place where the voting machines will be reopened and the name of the candidate requesting that the machines be reopened. Requires the candidate requesting the reinspection to pay all reasonable costs associated with such reinspection. (§573)

Present law provides that the secretary of state shall promulgate the returns for candidates on or before the twelfth day after the primary or general election.

Proposed law provides that the secretary of state shall promulgate the returns for each candidate on or before the twelfth day after the primary or general election if no action contesting the election of such candidate has been timely filed. Further provides that the secretary of state shall promulgate results of a contested election in accordance with the final judgment of the court as soon as practicable after the final judgment becomes definitive. (§§574, 575)

Present law requires that whenever there is a vacancy in office that is to be filled in a special election, the proclamation calling such election must include the date of the election.

Proposed law retains present law and requires that the proclamation also include the qualifying period for the candidates. (§§591, 601, 602(E), 604, 1278)

Present law requires the secretary of state to send notices of a special election to fill a vacancy in office by certified or registered mail to all election officials having any duty to perform in connection with the special election.

Proposed law deletes all references to the requirement that such notice be sent by certified or registered mail. (§§591, 601, 602(E), 604, 621, 1279, 1300.7)

Present law requires that, except for members of the legislature and the congress, all resignations of elected officials shall be filed with the secretary of state. Provides that resignations may be filed in person or by certified mail,

return receipt requested.

Proposed law retains present law but deletes the provisions specifying that resignations may be filed in person or by certified mail, return receipt requested. (§652)

Present law provides that a resignation shall become irrevocable three days after the day on which the secretary of state has transmitted the notice to the appropriate authority.

Proposed law provides that a resignation shall become irrevocable upon receipt by the secretary of state. (§654)

Proposed law makes certain provisions that are applicable to candidates who qualify for other primary elections applicable to presidential candidates. Requires the qualifying fee to be paid in cash, money order, or certified check. Provides that the notice of candidacy must be in writing and contain the candidate's name, address, and political party. Provides the manner in which the candidate's name will appear on the ballot. Requires the candidate to sign the notice of candidacy. Allows such candidates to withdraw by filing a sworn statement with the secretary of state. (§1280.22)

Present law provides that the last date for submission of a notice for a proposition election to be held at a primary election, other than the gubernatorial primary election, is the last day of qualifying for candidates. Provides that the last day that changes to such notice can be accepted is the last day for qualifying for candidates or the 46th day prior to the election, whichever is applicable.

Proposed law provides that the last date for submission of a notice of a proposition election that is to be held at a primary election is the last working day of July and that is also the last day that any changes to the notice can be accepted by the secretary of state. (§§1285, 1300)

Proposed law retains present law that a notice of a proposition election that is to be held on a date other than a primary election must be submitted to the secretary of state on or before the 46th day prior to the election and that is also the last day that changes to the notice will be accepted by the secretary of state. (§1285)

Present law requires the secretary of state to prepare absentee ballot envelopes, absentee voting instructions, certificates, and other absentee balloting paraphernalia consistent with the provisions of the election code, subject to approval of the attorney general as to content.

Proposed law retains present law and further provides that absentee voting instructions on absentee ballots to be transmitted by facsimile shall stipulate that the voter may mark his ballot with a cross (X) mark or a check (✓) mark. (§1306)

Present law provides that a person can make an application to vote absentee by mail by submitting a signed letter to the registrar setting forth the election for which he is requesting an absentee ballot, the reason for his request to vote absentee, the address to which such ballot is to be sent, and his ward and precinct if known.



Proposed law retains present law and specifically provides that the registrar shall not send an absentee ballot to an applicant whose application for an absentee ballot does not meet the requirements of present law. (§1307)

Present law provides that absentee voting hours are 8:30 a.m. to 4:30 p.m. Monday through Friday, and from 8:30 a.m. to 12 o'clock noon on Saturday. Provides that if a holiday falls during the absentee voting period that the office remain open until 4:30 p.m. on the last day for absentee voting.

Proposed law retains present law, but provides that if a Saturday falls during the absentee voting period that on such Saturday the office of the registrar shall remain open until 4:30 p.m. Requires the registrar to post a notice of the additional hours. (§1309(A))

Present law provides that the registrar establish the identity of a person applying to vote absentee at the registrar's office by requiring the person to submit his current La. driver's license or his current registration certificate. Provides that if the person does not have either document the registrar is to identify the person by his birth certificate or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency. If a person is applying to vote absentee at a branch office, the person must submit his current registration certificate.

Proposed law provides that the registrar establish the identity of a person applying to vote absentee at the registrar's office by requiring the person to submit his current La. driver's license, his current registration certificate, other identification card, by comparison with the descriptive information in the precinct register, or by requiring a person's birth certificate or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency. (§1309(D))

Proposed law makes this identification procedure applicable to a person applying to vote absentee at a branch office. (§1309(D))

Present law provides that absentee ballots are to be counted at the office of the registrar of voters or at a place within the parish courthouse at a time fixed by the parish board of election supervisors no earlier than 4:00 p.m. and no later than 8:00 p.m. on election day.

Proposed law retains present law but allows the counting of absentee ballots to begin at 1:00 p.m. on election day. (§1313(B))

Proposed law provides that if the number of absentee ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the request of a candidate for such office, the board shall recount the absentee ballots for such office.

Proposed law provides that the registrar, in the presence of a majority of the parish board of election supervisors, shall allow a candidate or his representative to inspect the flaps removed from the valid absentee ballots within forty-eight hours after receipt of a written request for such inspection by the candidate. Provides that not less than twenty-four hours before such inspection, the registrar shall prominently post in his office a notice of the time and place where the flaps will be inspected and the name of the candidate requesting such inspection. Provides that the candidate requesting the inspection shall be responsible for all reasonable costs associated with such

inspection. (§1313(I))

Present law provides for the selection of absentee commissioners and alternate absentee commissioners in the same manner as selection of commissioners for an election.

Proposed law retains present law but provides that if there are not enough certified commissioners to select the appropriate number of absentee commissioners and alternate absentee commissioners, the board of election supervisors may select a qualified elector of the parish to serve. Specifically provides that no such elector shall serve as an absentee commissioner if a certified commissioner has been selected as an alternate absentee commissioner. (§1314)

Present law provides that the secretary of state and the commissioner of elections shall be indispensable parties defendant to any action contesting an election for public office for the purpose of giving the trial court jurisdiction over those officers insofar as the judgment of the court affects the ministerial duties of those officers. Provides that when they are named as defendants costs of court shall not be assessed against these officers.

Proposed law deletes the provision that the secretary of state and the commissioner of elections are indispensable parties for the purpose of giving the trial court jurisdiction over those officers insofar as the judgment of the court affects the ministerial duties of those officers. Proposed law states that the secretary of state and the commissioner of elections are indispensable parties to such actions and that cost of court shall not be assessed against these officers. (§1402)

Present law prohibits the distribution or transmission of false political materials.

Proposed law provides that a candidate who is affected by the distribution or transmission of false political material is entitled to an injunction to restrain future violations. Also provides that a person distributing or transmitting such false political material is subject to a fine not to exceed \$500 and/or not more than six months in prison. (§1463)

Proposed law deletes incorrect references to a committee in the provisions regarding the contents of reports for candidates under the Campaign Finance and Disclosure Act. Also deletes reference to previously repealed provision of law providing that a contribution by a candidate to a committee is an expenditure by the candidate. (§§1495.5, 1505.2)

Proposed law repeals provisions requiring DOTD and the assistant secretary of public works, the State Planning Office and its director, and the office of highways and its assistant secretary to assist the secretary and clerk in submitting the required plan to the census bureau and prepare and provide such maps as may be necessary at the request of the secretary and clerk. (§1904)

Effective January 1, 1998, except the provisions of R.S. 18:402(E)(4) and the provisions relating to the precinct freeze and the 2000 census are effective July 1, 1997.

(Amends R. S. 18:3(A)(3), 59(I)(2), 110(B)(1), 154(C), 171, 171.1(A)(1), 176, 193(A), (B), (C), (E), and (F), 196(B)(3), 198(A), 402(F)(5), 431(A)(1)(a), 433(A)(1), (2) and (3), and (D), 434(B)(6), 467(2), 469(A), 532(B)(1) and (E), 532.1(B), (C)(1), (2)(a) and (3)(a), and (D), 551(B)(2) and (E), 553(B), 573(A)(3), 574(E)(1), 575(B), 591, 601, 602(E)(2)(a) and (d), 604(B)(2)(a) and (c), 621(B), 652(A), 654, 1278(B), 1279, 1280.22, 1285(B)(1), 1300(C)(2)(a), 1300.7(B), 1306(B), 1307(E), 1309(A)(2) and (D), 1313(B) and (I), 1314(C) and (D), 1402(C), 1495.5(B)(19) and (C), 1505.2(C)(1), 1903, and 1904; Adds R.S. 18:177, 401.1, 402(E)(4), 1307(E), and 1463(D) and (E); Repeals R.S. 18:532.1(H) and 1399(A))

#### Summary of Amendments Adopted by Senate

1. Allows the appropriate authority to call a special election to fill a vacancy or a newly created office to be held on the same date as any regularly scheduled election to be held in any local governmental subdivision located within or encompassing the geographical area within which the election will be held, provided that the regularly scheduled election will be held within one year of the date on which the newly created office or vacancy in an existing office arises.
2. Provides that neither the registrar nor the Dept. of Elections shall disclose the social security number of a registered voter.